GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Survey Settlements & Land Records Department – Allegation of Corruption against Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District - Trapped by the ACB on 16.09.2002 – Prosecution accorded- Acquitted by the Trial court in C.C.No.7/2003 – Criminal appeal filed by ACB vide CRLA No.1004/2007 – High Court allowed the Criminal Appeal – setting aside the acquittal judgement of the Hon'ble Special Judge Court for trial of SPE & ACB Cases, Nellore in judgement dt.09.02.2023 in CRLA No.1004/2007 –Dismissal from Service - Notification – Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Ms.No.153 **Dated:27-03-2023**

Read the following:-

1. Final report from the DG, ACB, Lr Rc.No.230/RCT-NNL/2002, Dt.05.12.2002.

2. GO Ms. No. 460, Rev.(Vig.II) Dept. Dt.25.03.2003.

3. From the DG, ACB, Letter no.230/RCT-NNL/2002, Dt.24.04.2007 along with Judgment of the Special Judge's Court for SPE & ACB cases, Nellore dated:26.02.2007 in CC No.7/2003.

4.Govt., Memo No.66418/Vig.IV(2)/2002-05, dt.23.07.2007.

5.Judgement of Hon'ble High Court in Criminal Appeal No.1004/2007 dt.09.02.2023.

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ORDER:

Whereas Sri Nimmakayala Vijaya@ Vijaya Kumar, formerly Deputy Surveyor, O/o MRO, Dagadarthi Mandal, SPSR Nellore District was trapped by ACB on 16.09.2002 while demanding and accepting Rs.8,000/- as illegal gratification from the complainant Sri G.Veeraiah Chowdary for doing official favour for issuance of survey report. In the reference 1st read above, the Director General, Anti-Corruption Bureau, has furnished final report and recommended to accord sanction to prosecute the Accused Officer in a court of law. In the reference 2nd read above, sanction was accorded to prosecute Sri Nimmakayala Vijaya@ Vijaya Kumar, formerly Deputy Surveyor, O/o MRO, Dagadarthi Mandal, SPSR Nellore District in a court of law.

2. And whereas, in the letter 3rd read above, the Director General, Anti-Corruption Bureau, has informed that the Special Judge for SPE & ACB Cases, Nellore pronounced the Judgment in C.C.No.7/2003 on 26.02.2007, acquitting the Accused officer Sri Nimmakayala Vijaya@ Vijaya Kumar, formerly Deputy Surveyor, O/o MRO, Dagadarthi Mandal, SPSR Nellore District. While enclosing the grounds for appeal, the DG, ACB has stated that the Bureau is of the opinion that there are grounds to prefer appeal in the High Court of A.P against the acquittal judgement of the trail court and requested to prefer an appeal in the High Court of A.P.

(PTO)

3. And whereas, in the reference 3rd read above, permission was accorded to DG, ACB to file an appeal against the acquittal orders dt.26.02.2007 in C.C.No.7/2003 of the Special Judge for SPE & ACB Cases, Nellore.

4. And whereas in the reference 5th read above, the DG, ACB While enclosing a copy of the Judgment of Hon'ble High Court of A.P informed that, the Hon'ble High Court in Criminal Appeal judgment dt.09.02.2023 has set aside the judgment in C.C No.7/2003, dt.26.02.2007 on the file of the Court of Spl.Judge for SPE & ACB cases, Nellore and convicted the respondent/accused under 248 (2) Cr.PC. The AO is sentenced to suffer rigorous imprisonment for three (3) years and to pay fine of Rs.10,000/- in default to suffer simple Imprisonment for six (6) months for the charge under Section 7 of the PC Act and he is further sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- in default to suffer simple imprisonment for 6 months for the offence under Section 13 (2) r/w Sec.13 (1)(d) of the PC Act. Both sentences imposed above shall run concurrently. The DG, ACB has finally requested the Government to issue orders for dismissal of the Accused Officer Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District from the Government service and copy of the dismissal orders may be furnished to their Bureau early for record.

5. And whereas, it is considered that the conduct of Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District, which has led to his conviction on criminal charge, is such as to render his further retention in the public service undesirable.

6. And whereas, on consideration of facts and circumstances of the case, Government have decided that the penalty of Dismissal from Government service shall be imposed on Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District, with immediate effect.

7. Now, therefore, in exercise of the powers conferred under clause (x) of Rule 9 read with clause (i) of Rule 25 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991 read with G.O.Ms.No.2, General Administration (Services-C) Department, dated:04.01.1999, Government hereby dismiss Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District from the Government service.

8. The Commissioner, Survey Settlements & Land Records shall take necessary action accordingly.

(Contd to Pg.3)

9. The following Notification will be published in the extraordinary issue of the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred under clause (x) of Rule 9 read with clause (i) of rule 25 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991 read with G.O.Ms.No.2, General Administration (Services-C) Department, dated 04.01.1999, the Government of Andhra Pradesh hereby dismiss Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District from Government service.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Nimmakayala Vijaya @ Vijaya Kumar, formerly Deputy Surveyor, O/o Mandal Revenue Officer, Dagadarthi Mandal, SPSR Nellore District **through** the Commissioner, Survey Settlements & Land Records, Vijayawada.

The Commissioner, Survey Settlements & Land Records, Vijayawada.
(with a request to serve the G.O. on the individual and send the served copy with dated signature to the Government for record).

Copy to :-

The Commissioner of Printing, Stationery & Stores Purchase, Vijayawada.
(with a request to publish the G.O. in the extraordinary Gazette and furnish 10 copies to Government)

The Secretary, A.P. Vigilance Commission, A.P. Secretariat, Velagapudi.

The Director General, Anti Corruption Bureau, A.P., Vijayawada.

The Accountant General, A.P., Vijayawada.

The Director of Treasuries & Accounts, A.P., Vijayawada.

The OSD to Minister (Revenue, R&S).

The PS to Special Chief Secretary to Government (Revenue) Department.

SC/ SF.

// FORWARDED BY ORDER //

SECTION OFFICER